

J. Douglas Quirke, OSB 955346
doug@ocwap.org
Oregon Clean Water Action Project
P.O. Box 11501
Eugene, OR 97440
Tel: (541) 686-3027

Daniel M. Galpern, OSB 061950
dan.galpern@gmail.com
Law Office of Daniel M Galpern
2495 Hilyard Street
Eugene, OR 97405
Tel: (541) 968-7164

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DESCHUTES RIVER ALLIANCE, an
Oregon nonprofit corporation,
Plaintiff,

Case No. 3:16-cv-1644-SI

v.

**JOINT STIPULATED AGREEMENT
AS TO MOTION SEEKING
CERTIFICATION AND STAY**

PORTLAND GENERAL ELECTRIC
COMPANY, an Oregon corporation,
Defendant.

Stipulated Agreement as to Treatment of Motion

Plaintiff DRA and Defendant PGE, having conferred since PGE's filing of its Motion For Certification Pursuant to 28 U.S.C. § 1292(b) and Stay of Further Proceedings ("Motion"), ECF 24, agree and stipulate as follows:

1) The portion of PGE's memorandum in support of its Motion, ECF 25, seeking a stay raised factual issues that Plaintiff DRA contests.

2) To avoid unnecessary discovery and to conserve scarce litigation resources at this juncture of the case, and in the interests of judicial economy, the parties stipulate that the Court need not decide the stay issue until it first resolves the legal question of whether certification pursuant to 28 U.S.C. §1292(b) is appropriate.

3) Defendant will renew its request for a stay should the Court grant the certification motion, while Plaintiff reserves its right to oppose a stay.

DATED: April 20, 2017

/s/ Daniel M. Galpern
Daniel M. Galpern, OSB 061950
dan.galpern@gmail.com
Telephone: 541.968.7164

J. Douglas Quirke, OSB 955346
doug@ocwap.org
Telephone: 541.686.3027

Attorneys for Plaintiff

DATED: April 20, 2017

/s/ Beth S. Ginsberg
BETH S. GINSBERG, OSB No. 070890
beth.ginsberg@stoel.com
MICHAEL R. CAMPBELL, OSB No. 870016
michael.campbell@stoel.com
Telephone: 206.624.0900
Attorneys for Defendant